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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,614	10/11/2001	Chad L. Cundiff	H00001749	3286

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Applicati n No.	Applicant(s)
	09/976,614	CUNDIFF, CHAD L.
	Examiner	Art Unit
	Jacques H. Louis-Jacques	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 May 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7-11, 13-16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabel [5,936,553].

Kabel discloses a navigation device and method for displaying navigation information in a visual perspective view. As described in the abstract, in particular, navigational information (data) and attitude data are collected from the aircraft and fed into a processor. The processor transforms the navigational and attitude data into or generates a primary flight display as a function of the data to show a perspective view. Furthermore, according to Kabel, at least a current or next waypoint symbol is generated on the display. See also figure 9 and columns 2-4 and, in particular, column 5, lines 57-63. According to Kabel, the symbols may include one or more landmarks. As further described in column 9, Kabel discloses that once the perspective information has taken place, the processor draws a waypoint marker on the display. Kabel discloses one or more situation awareness symbols including speed, direction, direction, etc. See column 5. Kabel also discloses data indicative of the next waypoint.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 12, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabel [5,936,553] in view of McElreath et al [6,154,151].

Kabel does not implicitly disclose the first symbol as the horizon indicating a current waypoint and a second symbol at the horizon indicating the next current waypoint. McElreath et al, on the other hand, discloses an integrated vertical situation display for aircraft, wherein navigation data obtained from the aircraft are used to generate a display on a screen. A plurality of waypoints (current and next) is shown on the display, wherein a first symbol at horizon indicating a current waypoint and a second symbol at the horizon indicate the next waypoint. See figure 4, column 2. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the navigation system (device and method) of Kabel by incorporating the features from the integrated vertical situation display for aircraft of McElreath et al because such modification will provide a more efficient system that indicates ground contours to help maintain clearance

***Response to Amendment***

5. The amendments along with the arguments filed therewith have been entered and carefully considered by the examiner.

Specifically, Applicant has amended the claims (1, 13, 19) to recite a “primary flight” display.

Applicant argued that the applied prior art reference, Curtright (6314370), does not teach a VMC view, but rather a “map view” or “plan view”.

Contrary to Applicant’s assertion, Curtright teaches not only a map view, but also a flight plan. See, in particular, figures 4, 7). However, notwithstanding Applicant’s arguments the patent to Kabel (5936553) is being applied against the claims.

In light of the new ground of rejection, this office action is made non-final.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,240,341

Snyder

May 2001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj  
August 11, 2003

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER